

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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CORY O'NEAL BREWER,

Case No. 3:20-cv-00396-MMD-CLB

Petitioner,

ORDER

v.

WILLIAM REUBART, *et al.*,

Respondents.

Upon review of the exhibits filed for this habeas matter, the Court notes the Respondents have omitted from their filing of state court records: (1) the Presentence Investigative Report (ECF No. 21-11); and (2) the documents generated by the Reno Justice Court proceedings, including, but not limited to, minutes, motions, complaint, amended complaint, hearing transcripts, and waiver of preliminary examination (ECF No. 21-2). See Rules Governing Section 2254 Cases, Rule 7; *McDaniels v. Kirkland*, 813 F.3d 770, 773 (9th Cir. 2015) (en banc) (holding federal habeas courts "may consider the entire state-court record, including evidence that was presented only to the trial court"); *Nasby v. McDaniel*, 853 F.3d 1049, 1052-54 (9th Cir. 2017) (remanding to the district court with instructions to consider the entire state court record).

In addition, the Court notes that Respondents failed to fully redact the document filed as ECF No. 21-1, as required by LR IC 6-1(a)(3) ("If an individual's date of birth must be included, only the year should be used."). Compelling reasons exist to seal that document as it contains personal-data identifiers, and the parties cannot change filings.

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1 It is therefore ordered that within 30 days of the entry of this Order, Respondents
2 must file under seal with the Court the Presentence Investigative Report, which
3 respondents previously designated as Exhibit 11.¹

4 It is further ordered that within 30 days of the entry of this Order, Respondents
5 must file with the Court as supplemental exhibits (designated as Exhibit 94 and so forth)
6 to their motion to dismiss (ECF No. 20) a complete record of all documents generated by
7 the Reno Justice Court proceedings for Petitioner's state court matter, including, but not
8 limited to, minutes, motions, complaint, amended complaint, hearing transcripts, and
9 waiver of preliminary examination, or a notice indicating the document(s) are unavailable.

10 It is further ordered that Petitioner will have 10 days after Respondents filing in
11 response to this Order to admit or deny the correctness of Respondents' filing.

12 It is further ordered that within 30 days of the entry of this Order, Respondents
13 must file with the Court a redacted-publicly-available copy of the document filed as ECF
14 No. 21-1, in compliance with LR IC 6-1(a)(3).

15 The Clerk of Court is further directed to seal the document filed as ECF No. 21-1.

16 DATED THIS 25th Day of September 2023.

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MIRANDA M. DU
CHIEF UNITED STATES DISTRICT JUDGE

¹The exhibits referenced accompany Respondents' motion to dismiss (ECF No. 20).